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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,451	01/18/2002	Petro Estakhri	38979-0080US	5311
7590	05/05/2004			EXAMINER NAMAZI, MEHDI
Maryam Imam IMAM & ASSOCIATES Suite 1010 111 North Market St. San Jose, CA 95113			ART UNIT 2188	PAPER NUMBER
DATE MAILED: 05/05/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/054,451	ESTAKHRI, PETRO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mehdi Namazi	2188	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 19 January 2004.

2a) This action is **FINAL**.                                   2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-19 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. This office action is in response to amendment filed March 9, 2004.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on March 18, 2004 has been considered by the examiner. However, applicant should submit a new form (PTO-1449) (not PTO/SB/08A) with minimum information for U.S. documents (document Number; date; applicant's name (not company name); class and subclass), and for foreign documents (document Number; date; applicant's name; country code or name).

### ***Response to Arguments***

3. Applicant's arguments filed March 9, 2004 have been fully considered but they are not persuasive.
4. In response to applicant's argument that the references fail to show certain features of applicant's invention, Conley teaches transferring chunk data to the memory one byte at a time (page 8, lines 40-67).
5. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., bit-by-bit, byte-by-byte or word-for-word) are not recited in the rejected claim(s)12, 17, 18, and 19. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Conley (U.S. Patent No. 6,426,893).

As per claims 1, 12, 17-19, Conley teaches a digital equipment system comprising:

a. A host for sending commands to read or write files having sectors of information (col. 4, lines 7-11), each sector having and being modifiable on a bit-by-bit, byte-by-byte or word-by-word basis, said host being operative to receive responses to said commands (it is inherent for all blocks or sectors to be modified based on bit-by-bit) (col. 8, lines 53-67);

b. a controller device responsive to said commands (fig. 1A, element 11), and including, one-time-programmable nonvolatile memory for storing information organized into sectors, based on commands received from the host and upon receiving commands from the host to re-write a sector, the controller device for re-writing said sector only on a bit-by-bit, byte by-byte or word-for-word basis and only as to those locations in the sector that have been modified (col. 6, lines 12-30).

As per claims 2, and 13, Conley teaches one-time-programmable nonvolatile memory includes a system area and a data area, said system area for storing information pertaining to the organization of the information stored or to be stored in the data area (col. 6, lines 22-30).

As per claim 3, Conley teaches the system area includes storage areas for including Original Engineering Manufacturer (OEM) identification/Bidirectional Input/Output System (BIOS), a File Allocation Table (FAT) 1, a FAT 2 and root disk directory information (inherent).

As per claims 4, and 14, Conley teaches the controller device further includes a first buffer for storing a host-provided sector and a second buffer for storing sectors stored or to be stored in the one-time-programmable nonvolatile memory (fig. 1A, element 35).

As per claims 5, and 15, Conley teaches a comparator coupled between said first and second buffer for comparing a sector to be modified or accessed by the host with those sectors to which information has been previously written (fig. 6 A, element 125).

As per claims 6, and 16, Conley teaches wherein during power-up, said controller device for identifying the end-of-file, wherein the location following the location in which the end-of-file resides is identified as the location for the start-of-file of a new file to be stored (col. 10, lines 5-21).

As per claim 7, Conley teaches the end-of-file is identified by the use of a flag (inherent).

As per claim 8, Conley teaches wherein said files are digital photographs(it could be any type of data).

As per claim 9, Conley teaches wherein said files are archives (inherent).

As per claim 10, Conley teaches wherein said controller device maintains a correlation between logical addresses and physical addresses for translating host-provided addresses to addresses recognized by the one-time-programmable nonvolatile memory (inherent).

As per claim 11, Conley teaches wherein said controller for maintaining track of defective locations within the one-time-programmable nonvolatile memory (col. 6, lines 12-18).

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mehdi Namazi whose telephone number is 703-306-2758. The examiner can normally be reached on Monday-Friday 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on 703-306-2903. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

~~Mehdi Namazi  
Examiner  
Art Unit 2188  
April 29, 2004~~



**GARY PORTKA  
PRIMARY EXAMINER**